

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

)
)
) MDL No. 2262
)

THIS DOCUMENT RELATES TO:

) Master File No. 1:11-md-2262-NRB
)

THE BERKSHIRE BANK and GOVERNMENT
DEVELOPMENT BANK FOR PUERTO RICO,
Individually and On Behalf of All Others
Similarly Situated,

) ECF Case
)
)

Plaintiffs,

) Civil Action No. 12-CV-5723-NRB
)

v.

BANK OF AMERICA CORPORATION; BANK
OF AMERICA, N.A.; BANK OF TOKYO
MITSUBISHI UFJ LTD.; BARCLAYS BANK
PLC; CITIGROUP, INC.; CITIBANK, N.A.;
COÖPERATIEVE CENTRALE
RAIFFEISENBOERENLEENBANK
B.A.; CREDIT SUISSE GROUP AG; DEUTSCHE
BANK AG; HSBC HOLDINGS PLC; HSBC
BANK PLC; JPMORGAN CHASE & CO.;
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; LLOYDS BANKING GROUP
PLC; HBOS PLC; ROYAL BANK OF CANADA;
THE NORINCHUKIN BANK; THE ROYAL
BANK OF SCOTLAND GROUP PLC; UBS AG;
WESTLB AG; and WESTDEUTSCHE
IMMOBILIENBANK AG,

Defendants.

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DIRECTORS FINANCIAL GROUP,)	
Individually and On Behalf of All Others)	
Similarly Situated,)	
)	
Plaintiff,)	No. 13 Civ. 1016
v.)	
BANK OF AMERICA CORPORATION; BANK)	
OF AMERICA, N.A.; BANK OF TOKYO)	
MITSUBISHI UFJ LTD.; BARCLAYS BANK)	
PLC; CITIGROUP, INC.; CITIBANK, N.A.;)	
COÖPERATIEVE CENTRALE)	
RAIFFEISENBOERENLEENBANK)	
B.A.; CREDIT SUISSE GROUP AG; DEUTSCHE)	
BANK AG; HSBC HOLDINGS PLC; HSBC)	
BANK PLC; JPMORGAN CHASE & CO.;)	
JPMORGAN CHASE BANK, NATIONAL)	
ASSOCIATION; LLOYDS BANKING GROUP)	
PLC; HBOS PLC; ROYAL BANK OF CANADA;)	
THE NORINCHUKIN BANK; THE ROYAL)	
BANK OF SCOTLAND GROUP PLC; UBS AG;)	
WESTLB AG; and WESTDEUTSCHE)	
IMMOBILIENBANKAG,)	
)	
Defendants.)	
)	
)	
)	

**LENDER CLASS PLAINTIFFS' MEMORANDUM OF LAW IN FURTHER SUPPORT
OF MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL AND
CONSOLIDATION OF ALL RELATED CASES AND NOTICE OF NON-OPPOSITION**

Plaintiffs Berkshire Bank, Government Development Bank for Puerto Rico, and Directors Financial Group (the “Lender Class Plaintiffs” or “Plaintiffs”) respectfully submit this memorandum of law in further support of their motion seeking the appointment of Pomerantz LLP (“Pomerantz” or the “Firm”) as interim lead counsel of the Lender Class, as defined below (“Interim Class Counsel”), pursuant to FED. R. CIV. P. 23(g), and to consolidate the above-captioned two related actions (collectively, the “Lender Class Cases”) pursuant to FED. R. CIV. P. 42(a).

The Lender Class Cases were originally filed on behalf of lending institutions headquartered in the states and territories of the United States that originated, purchased outright, or purchased a participation interest in, loans paying interest at rates tied to USD LIBOR, the interest rate of which adjusted at any time between August 1, 2007 and May 31, 2010, inclusive. The class as described overlaps with the OTC Class to the extent that it includes banks who lent money directly to the panel banks. Counsel for the OTC plaintiffs discussed this issue with proposed Interim Class Counsel, and the Lender Class Plaintiffs agree to exclude transactions directly with the panel banks from their class definition. In light of that agreement, the OTC plaintiffs have no objection to the creation of the interim Lender Class and the appointment of Pomerantz as Interim Class Counsel. There were no other motions for the creation of the interim Lender Class and the appointment of interim class counsel, and no party has otherwise opposed the Lender Class Plaintiffs’ motion. Therefore, Lender Class Plaintiffs’ motion for the appointment of Pomerantz as Interim Class Counsel is unopposed and should be granted.

Based on the facts presented above, and on the factual and legal reasons presented in the Lender Class Plaintiffs’ motion for the appointment of Pomerantz as Interim Class Counsel, the Lender Class Plaintiffs respectfully request that this Court issue an Order pursuant to FED. R.

Civ. P. 23(g) and FED. R. Civ. P. 42(a): (1) appointing Pomerantz as Interim Class Counsel; (2) consolidating the Lender Class Cases; and (3) granting such other and further relief as the Court may deem just and proper.

Dated: October 7, 2014

Respectfully submitted,

POMERANTZ LLP

By: /s/ Francis P. McConville

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